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7
8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,
11 Plaintiff,
12 v.
13 JOSHUA COLA,
14 Defendant.

Case No. 2:22-cr-00263-JCM-NJK
**STIPULATION TO CONTINUE
CHANGE OF PLEA HEARING**
(Third Request)

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16 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
17 United States Attorney, and Melanee Smith, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-
19 Whittington, Assistant Federal Public Defender, counsel for Joshua Cola, that the Change of
20 Plea Hearing currently scheduled on September 23, 2024 at 10:00 a.m., be vacated and
21 continued to a date and time convenient to the Court, but no sooner than sixty (60) days.

22 This Stipulation is entered into for the following reasons:

23 1. The Ninth Circuit Court of Appeals recently voted to rehear en banc its decision
24 in *United States v. Duarte*, 101 F.4th 657 (9th Cir. 2024), *vacated pending reh'g en banc*, 108
25 F.4th 786 (9th Cir. 2024). Because *Duarte* is still pending and relevant to Mr. Cola's case as
26 he is also charged with felon in possession of a firearm under 18 U.S.C. § 922(g)(1), Mr. Cola

1 needs additional time to determine how he wishes to proceed with his case before proceeding
2 with a change of plea hearing.

3 2. The defendant is in custody and agrees with the need for the continuance.

4 3. The parties agree to the continuance.

5 This is the third request for a continuance of the Change of Plea hearing.

6 DATED this 5th day of September 2024.

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8 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

9
10 */s/ Nisha Brooks-Whittington*
11 By _____
12 NISHA BROOKS-WHITTINGTON
Assistant Federal Public Defender

/s/ Melanee Smith
By _____
MELANEE SMITH
Assistant United States Attorney

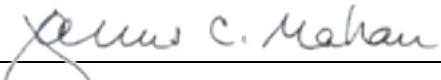
1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
4 Plaintiff,
5 v.
6 JOSHUA COLA,
7 Defendant.
8

Case No. 2:22-cr-00263-JCM-NJK
ORDER

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10 IT IS ORDERED that the Change of Plea hearing currently scheduled for Monday,
11 September 23, 2024 at 10:00 a.m., be vacated and continued to December 2, 2024 at the hour
12 of 10:00 a.m.

13 DATED September 6, 2024.

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16 UNITED STATES DISTRICT JUDGE
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